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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,336	12/20/2001	Junichi Otsuka	P6192a	8093

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EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
150 RIVER OAKS PARKWAY, SUITE 225
SAN JOSE, CA 95134

EXAMINER

HO, ANDY

ART UNIT PAPER NUMBER

2194

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,336

Applicant(s)

OTSUKA ET AL

Examiner

Andy Ho

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 9/12/2005.
2. Claims 1-18 have been examined and are pending in the application.

Allowable Subject Matter

3. Claims 1-5, 11-13 and 17-18 are allowed.
4. Claims 6-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as not being tangibly embodied in a manner so as to be executable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Arts (APA) in view of Kukura U.S Patent No. 6,633,923.

As to claim 14, APA teaches a computer-readable medium carrying an object program that is a server object (control object 12, line 12 page 2) when an application program is run (when the POS application program 11 is run, lines 16-17 page 2), comprising:

an executable command (the POS application program 11 calls the print method of the printer control object in set 12, lines 10-12 page 3) for casting a first character string (text data, line 12 page 3) passed to the server object (printer control object, line 11 page 3) from a client object (POS application program, line 11 page 3; the application program or client object, line 1 page 3) thereof through an interface object (interface object 18, lines 14-15 page 3) running on an operating system (the OS 14, line 16 page 3), declared as a first data type, as basic string data type (text data character string, line 19 page 3), whereby the character string data includes null data in the middle portion (00 in the middle of string A0, line 26 page 3). APA does not explicitly teach the number of characters including null data in the character string data is countable, and analysis of basic string data type representation.

Kukura teaches (lines 46-55 column 59) a system of transferring string data whereby the number of characters including null data in the character string data is countable (...the ART POA translates a null-terminated string into an object_id and back again by simply copying the individual char* values in the string directly into the octet sequence. Note that the NULL termination character is also a part of the octet

sequence..., lines 49-52 column 59), and processing the effective number of the characters in the first character string determined from an analysis of its basic string data type representation (lines 46-62 column 59). It would have been obvious to apply the teachings of Kukura to the system of APA because this provides a convenient way for the object identifier to be recognized by the system as disclosed by Kukura (lines 46-55 column 59).

As to claim 15, APA as modified further teaches the object program is a peripheral device class control object (control object for a particular type of device, lines 1-2 page 2), or a peripheral device service object (service object for a particular type of device, lines 3-4 page 2).

As to claim 16, APA as modified further teaches the character string data is bar code data (in a bar code data, lines 18-19 page 3), and the application program is a POS application program (POS application program, line 11 page 3).

Response to Arguments

7. Applicant's arguments filed 9/12/2005 have been fully considered.

Applicant argued that the cited references do not teach the limitations of claim 14 (Remarks, second paragraph page 7). In response, while the applicant argued the cited references do not teach these limitations, the applicant did not disclose any details of how the cited portions from cited reference as disclosed in the claim rejection above did not meet the claim limitations. Therefore, it is unclear how the cited reference did not meet the limitations of claim 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Or fax to:

Art Unit: 2194

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

A.H
October 2, 2005


SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100